

JOURNAL OF THE SENATE [May 12, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

WEDNESDAY, May 12, 1971.

8:30 o'clock A.M.

The senate was called to order by the president of the senate.

The prayer was offered by the Reverend J. Frank Lenentine, Pastor of Hilldale Assembly of God Church.

LEAVES OF ABSENCE

By request of Senator Risser, with unanimous consent, Senator Frank was granted a leave of absence for today's session.

By request of Senator Soik, with unanimous consent, Senator Soik was granted a leave of absence for the balance of session after 11:00 A.M. today.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendzioriski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent with leave—Senators Frank and Krueger—2.

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AMENDMENTS OFFERED

Senate substitute amendment 1 to **Assembly Bill 161** by Senator Devitt, by request of Representative Rogers.

Senate amendment 1 to **Senate Bill 188** by Senator LaFave.

Senate amendment 1 to **Senate Bill 296** by Senator Heinzen.

Senate substitute amendment 1 to **Senate Bill 307** by Senators Cirilli and LaFave.

Senate amendment 1 to **Senate Bill 497** by Senator LaFave, by request of Great Lakes Inter-Tribal Council and Menominee Indian Study Committee.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 509

Relating to issuing free fishing licenses to physically handicapped persons.

By Senators Knutson, LaFave, Lorge, Johnson, Keppler, Parys, Lipscomb, Heinzen, Peloquin, Roseleip, Hollander, McKenna, Martin, Schuele, Busby, Devitt, Swan, Cirilli, Lotto, Lourigan and Whittow; co-sponsored by Representatives Lewison and Greider.

To committee on Natural Resources.

Senate Bill 510

Relating to setting safety standards for automobile bumpers.

By Senators Lorge, LaFave, Murphy, Chilsen, Kendzior-ski, Keppler, Knutson, Lourigan, Dorman, Busby, Soik, Martin, Bidwell, Heinzen, Steinhilber, Johnson, Cirilli, Knowles, Lotto, Roseleip, Hollander, McKenna, Peloquin, Thompson, Whittow, Schuele, Lipscomb, Devitt and Risser.

To committee on Transportation.

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Senate Bill 511

Relating to membership on county boards of (zoning) adjustment.

By Senator Bidwell.

To committee on Governmental and Veterans' Affairs.

Senate Bill 512

Relating to exempting emergency vehicles from weight and length limitations when using highways.

By Senators Devitt and LaFave.

To committee on Transportation.

Senate Bill 513

Relating to tests for intoxication.

By Senators Chilsen and Knowles.

To committee on Judiciary.

COMMITTEE REPORT

The committee on Housing and Urban Development reports and recommends:

Senate Bill 398

Relating to remedial legislation suggested by the department of local affairs and development.

Passage; Ayes, 4; Noes, 0.

Assembly Bill 187

Relating to lease of subterranean space under any street, alley or public place in cities of the first class.

Adoption of senate amendment 1; Ayes, 4; Noes, 0 and concurrence as amended; Ayes, 4; Noes, 0.

ARTHUR A. CIRILLI,
Chairman.

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PETITIONS AND COMMUNICATIONS

Senate Petition 101

A petition by 16 citizens of the First Senatorial District urging the continued use of studded tires in Wisconsin.

Introduced by Senator Martin.

Read and referred to committee on Transportation.

Senate Petition 102

A petition by 105 residents of Rock, Walworth, Racine, Jefferson, Columbia and Dane Counties supporting the continued use of studded tires in the State of Wisconsin.

Introduced by Senator Swan.

Read and referred to committee on Transportation.

Senate Petition 103

A petition by 51 residents of Janesville, Wisconsin, in opposition to pollution of our lakes, rivers and air.

Introduced by Senator Swan.

Read and referred to committee on Natural Resources.

Senate Petition 104

A petition submitted by 29 constituents of Kenosha County in favor of retaining studded tires in Wisconsin.

Introduced by Senator Lourigan.

Read and referred to committee on Transportation.

Senate Petition 105

A petition by 39 citizens expressing support for legislation which will retain studded tires in Wisconsin.

Introduced by Senator Keppler.

Read and referred to committee on Transportation.

To the President of the Senate

Lieutenant Governor Martin Schreiber

I hereby submit my resignation from the committee on Housing and Urban Development as of May 12, 1971.

SENATOR WAYNE WHITTOW.

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To the President of the Senate
Lieutenant Governor Martin Schreiber

I hereby submit my resignation from the committee on
Governmental and Veterans' Affairs as of May 12, 1971.

SENATOR BRUCE PELOQUIN.

MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

I am directed to inform you that the assembly has
adopted and asks concurrence in:

Motion Under Joint Rule 26:

A joint certificate of Congratulations by Representative
Willkom; co-sponsored by Senator Peloquin for Eau Claire
State University Jazz Ensemble on an outstanding show at
the college jazz festival.

Passed and asks concurrence in:

Assembly Bill 457

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 457

Relating to moving the educational approval board from
the office of the state superintendent to the vocational, tech-
nical and adult education board.

By Representative Sensenbrenner.

Read first time and referred to committee on Education.

Motion Under Joint Rule 26:

A joint certificate of Congratulations by Representative
Willkom; co-sponsored by Senator Peloquin for Eau Claire
State University Jazz Ensemble on an outstanding show
at the college jazz festival.

Read and concurred in.

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MOTIONS

Senator Peloquin requested unanimous consent that **Assembly Joint Resolution 48** be withdrawn from the committee on Governmental and Veterans' Affairs and placed on the calendar of May 12th.

Senator Roseleip objected.

Senator Peloquin moved that **Assembly Joint Resolution 48** be withdrawn from the committee on Governmental and Veterans' Affairs and placed on the calendar.

Senator Roseleip moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Bidwell, Chilsen, Cirilli, Devitt, D o r m a n , Heinzen, H o l l a n d e r , Johnson, Kendziorski, Keppler, Knowles, Knutson, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Swan and Whittow—27.

Absent—Senators Busby, LaFave, S t e i n h i l b e r and Thompson—4.

Absent with leave—Senators Frank and Krueger—2.

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, Peter P. Tong, president of T & T Technology, has been named Wisconsin's "Small Businessman of the

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Year" by the Small Business Administration and its State Advisory Council; and

Whereas, in 1967 Mr. Tong formed T & T Technology engaged in electronic consultant work in Madison; this operation was expanded by utilizing computers to collect and analyze essential data in the health care field; and

Whereas, against the recent current of business decline, T & T Technology has demonstrated a remarkable growth in services rendered to the general welfare of the nation; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Risser and Representative Nager, under Joint Rule 26, do hereby extend their congratulations to Mr. Peter P. Tong on being named Wisconsin's Small Businessman of the Year.

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, Mr. Julian Domack was named the recipient of the Barbershopper of the Year Award at the annual convention of the Land 'O Lakes district of the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America; and

Whereas, this award is the highest recognition given a member of the district and is granted for outstanding service and achievement over a number of years; and

Whereas, Mr. Julian Domack has been a member of the Madison Chapter for 10 years, is presently district representative on the International Board of Directors, and is the fourth Madison Barbershopper to receive this award; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Risser and Representative Anderson, under Joint Rule 26, do hereby congratulate Mr. Julian Domack on the occasion of being named The Barbershopper of the Year; and extend to him and his family their best wishes.

The above Motions Under Joint Rule 26 were read and adopted en masse.

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CALENDAR OF APRIL 14

Senate Bill 222

Relating to cruelty to any live fowl or other birds when used for a target in marksmanship practice and providing for a penalty.

The question was: Adoption of senate amendment 2?

Senator Lourigan moved rejection of senate amendment 2.

By request of Senator McKenna, with unanimous consent, senate amendment 2 was returned to the author.

The question was: Adoption of senate amendment 3?

Senator Lourigan moved rejection of senate amendment 3.

Senate amendment 3 rejected.

Ordered to a third reading.

By request of Senator Keppler, with unanimous consent, the bill was considered for final action at this time.

Read a third time.

Senator LaFave requested that he be made a co-author of Senate Bill 222.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 1; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, K e n d z i o r s k i, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—30.

Noes—Senator Johnson—1.

Absent or not voting—Senators Frank and Krueger—2.

So the bill passed.

Assembly Joint Resolution 48

A joint resolution ratifying an amendment to the U.S. Constitution relating to voting rights of persons 18 and older.

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The question was: Shall **Assembly Joint Resolution 48** be withdrawn from the committee on Governmental and Veterans' Affairs and referred to the calendar?

President pro tempore of the senate in the chair.
9:15 A.M.

The president of the senate in the chair.
9:25 A.M.

Senator Keppler moved that the motion to withdraw **Assembly Joint Resolution 48** from the committee on Governmental and Veterans' Affairs be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 6; absent or not voting, 2; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Kendzioriski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, Martin, Murphy, Parys, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—25.

Noes—Senators Dorman, Lipscomb, McKenna, Peloquin, Risser and Thompson—6.

Absent or not voting—Senators Frank and Krueger—2.

So the motion was tabled.

The question on which the Call of the House was put having been decided the call was raised.

Senate Bill 270

Relating to legal counsel for school boards in joint city school districts.

Read a second time.

Senator Busby moved that **Senate Bill 270** be referred to committee on Judiciary.

The motion prevailed.

Assembly Bill 51

An act increasing maximum allowable claims and providing attorney's fees in small claims actions.

Read a second time.

The question was: Nonconcurrence?

The bill was nonconcurrent in.

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Assembly Bill 76

Relating to microfilming of county records.

Read a second time.

The question was: Adoption of senate amendment 1 to senate amendment 2?

Senator LaFave moved rejection of senate amendment 1 to senate amendment 2.

Senator Kendziorski in the chair.

10:00 A.M.

Senator Chilsen raised the point of order that senate amendment 1 to senate amendment 2 is not germane.

The chair took the point of order under advisement.

Assembly Bill 82

Relating to disapproval by town boards of county zoning ordinances.

Read a third time and concurred in.

CALENDAR OF APRIL 15

Senate Joint Resolution 20

A joint resolution memorializing Congress as to a formula for revenue sharing.

Read.

Senator Parys moved rejection of Senate Joint Resolution 20.

By request of Senator Knowles, with unanimous consent, Senate Joint Resolution 20 was laid on the table.

Senate Bill 31

Relating to county waste disposal.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Keppler requested a quorum roll call.

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The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent—None.

Absent with leave—Senators Frank and Krueger—2.

Senate Bill 31

Senator Swan requested unanimous consent that Senate Bill 31 be referred to committee on Judiciary.

Senator Dorman objected.

Senator Keppler requested a quorum roll call.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent—None.

Absent with leave—Senators Frank and Krueger—2.

Senate Bill 31

Senate amendment 1 to senate substitute amendment 1 offered by Senator Murphy.

Senator Lipscomb raised the point of order that senate substitute amendment 1 was not germane.

The senate recessed for 5 minutes.

10:45 A.M.

10:50 A.M.

The senate reconvened.

The president of the senate in the chair.

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The chair took the point of order under advisement.

Senator Busby moved that the 4 members absent on the official roll call be included on the opening roll call.

The ayes and noes were required and the vote was: ayes, 22; noes, 8; absent or not voting, 3; as follows:

Ayes—Senators Bidwell, Busby, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Roseleip, Steinhilber, Swan and Thompson—22.

Noes—Senators Chilsen, Dorman, Kendziorski, Parys, Peloquin, Risser, Schuele and Whittow—8.

Absent or not voting—Senators Frank, Krueger and Soik—3.

More than $\frac{2}{3}$ of the members voting having voted in the affirmative the motion prevailed.

Senator Risser raised a point of order that the 4 members voting to be included in the opening call should not be allowed to vote as this was a conflict of interest.

The chair ruled the point of order not well taken pursuant to Senate Rule 73.

By request of Senator Keppler, with unanimous consent, all actions were immediately messaged.

By request of Senator Keppler, with unanimous consent, the senate recessed until 4:30 P.M.

11:45 A.M.

RECESS

4:30 P.M.

The senate reconvened.

RULING OF THE CHAIR

Senate Bill 31

The chair ruled that senate substitute amendment 1 to Senate Bill 31 was not germane.

Senate substitute amendment 2 offered by Senators Lotto, Dorman and Martin.

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By request of Senator Lotto, with unanimous consent, senate substitute amendment 2 was considered at this time.

Senator Kendziorski in the chair.

4:50 P.M.

Senate amendment 1 to senate substitute amendment 2 offered by Senator Lorge.

Senator Chilsen moved that Senate Bill 31 be tabled.

Senator Risser moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, Thompson and Whittow—30.

Absent with leave—Senators Frank, Krueger and Soik—3.

The ayes and noes were demanded and the vote was: ayes, 6; noes, 24; absent or not voting, 3; as follows:

Ayes—Senators Chilsen, Cirilli, Keppler, Knutson, Lourigan and Swan—6.

Noes—Senators Bidwell, Busby, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Knowles, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Thompson and Whittow—24.

Absent or not voting—Senators Frank, Krueger and Soik—3.

So the motion to table Senate Bill 31 did not prevail.

The question on which the call of the house was put having been decided the call was raised.

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Senator Risser moved rejection of senate amendment 1 to senate substitute amendment 2.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 11; absent or not voting, 3; as follows:

Ayes—Senators Chilsen, Cirilli, D o r m a n , Hollander, Kendziorski, Keppler, Knowles, Lipscomb, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Thompson and Whittow—19.

Noes—Senators Bidwell, Busby, Devitt, Heinzen, Johnson, Knutson, LaFave, Lorge, Lotto, Murphy and Swan—11.

Absent or not voting—Senators Frank, Krueger and Soik—3.

So senate amendment 1 to senate substitute amendment 2 was rejected.

Senator Swan moved rejection of senate substitute amendment 2.

Senator Swan requested a quorum roll call.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lotto, Lourigan, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, Thompson and Whittow—27.

Absent—Senators Lipscomb, Lorge and McKenna—3.

Absent with leave—Senators Frank, Krueger and Soik—3.

Senator LaFave moved that Senate Bill 31 be re-referred to committee on Natural Resources.

Senator Whittow moved a

CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

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Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, Thompson and Whittow—29.

Absent—Senator Lipscomb—1.

Absent with leave—Senators Frank, Krueger and Soik—3.

RULINGS OF THE CHAIR

Assembly Bill 76

Relating to microfilming of county records.

The chair ruled that senate amendment 2 to senate amendment 2 to **Assembly Bill 76** was not germane.

Senate amendment 3 offered by Senator Parys.

Senator Parys requested unanimous consent that **Assembly Bill 76** be re-referred to committee on Governmental and Veterans' Affairs.

Senator Roseleip objected.

Senator Parys moved that **Assembly Bill 76** be re-referred to committee on Governmental and Veterans' Affairs.

The ayes and noes were demanded and the vote was: ayes, 6; noes, 23; absent or not voting, 4; as follows:

Ayes—Senators Busby, Hollander, Lotto, Parys, Schuele and Steinhilber—6.

Noes—Senators Bidwell, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lourigan, McKenna, Martin, Murphy, Peloquin, Risser, Roseleip, Swan, Thompson and Whittow—23.

Absent or not voting—Senators Frank, Krueger, Lipscomb and Soik—4.

So the motion did not prevail.

Senator Keppler raised the point of order that amendment 3 was not germane and that it was a substitute amendment.

The chair took the points of order under advisement.

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President pro tempore of the senate in the chair.

6:00 P.M.

Senator Keppler moved that the senate adjourn until 8:30 A.M., May 13, 1971.

6:05 P.M.

INTRODUCTION OF GUESTS

Senator McKenna introduced the Reverend Dan Robertson, and Lee Eichstedt, from West Bend, Wisconsin.

Senator Devitt introduced 20 students and Mr. D. Tonn from Waterford High School Comparative Government course, Waterford, Wisconsin.

Senator Bidwell introduced the 4th Grade from St. Jerome School, Columbus, Wisconsin.

Senator Thompson introduced a group of students from Oregon Junior High School and Mrs. Miller and Mrs. Brown, teachers, from Oregon, Wisconsin.

Senators Lourigan and LaFave introduced a group of students from McKinley Junior High School from Kenosha, Wisconsin.

Senator Devitt introduced Mrs. Eunice Neimi, Executive Secretary, Milwaukee County Election Commission.

Senator Roseleip introduced 90 students from Lancaster Elementary School with Mrs. Hazen, Mrs. Iminch, Mrs. Fremont and Mrs. Glynn, from Lancaster, Wisconsin, and the 7th grade civics class from Cassville Elementary School with Mrs. F. Grimm and Mr. D. Weadge, Cassville, Wisconsin.

Senator Heinzen introduced 86, 7th grade students from Pittsville Elementary School with teachers, Mrs. Stimac, Mr. Turnquist and Mrs. Kumm, from Pittsville, Wisconsin.

Senator Risser introduced Ronald G. Lewis from Madison, Wisconsin and Rod Kreunen with son, Pieter Clark Kreunen, age 4, who is now in his 2nd year as a Montessori School student, also of Madison, Wisconsin.